

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION

UNITED STATES OF AMERICA, )  
                               )  
                               )  
Plaintiff,                 )  
                               )  
                               )  
v.                             ) Criminal Action No.  
                               )  
ALPHONZO HENDERSON,     )  
                               )  
                               )  
Defendant.                 )

**MEMORANDUM OF MATTERS DISCUSSED AND  
ACTION TAKEN AT PRETRIAL CONFERENCE**

Pursuant to the order of the Court en banc of the United States District Court for the Western District of Missouri, a pretrial conference was held in the above-entitled cause before me on October 9, 2007. Defendant appeared in person and with appointed counsel Anita Burns. The United States of America appeared by Assistant United States Attorney Stefan Hughes.

***I. BACKGROUND***

An indictment was filed on November 2, 2006, charging Defendant with one count of being a felon in possession of a firearm, in violation of 18 U.S.C. §§ 922(g)(1) and 924(e)(1). The following matters were discussed and action taken during the pretrial conference:

***II. TRIAL COUNSEL***

Mr. Hughes announced that he will be the trial counsel for the government. The case agent to be seated at counsel table is Special Agent Dan Cassidy, ATF.

Ms. Burns announced that she will be the trial counsel for Defendant Henderson; Allen Bush will assist.

### ***III. OUTSTANDING MOTIONS***

Pending motions in this case include:

- Motion in Limine (Doc. No. 35), filed by Defendant on 03/09/07
- Motion in Limine (Doc. No. 51), filed by Defendant on 04/12/07
- Motion to Suppress Statements (Doc. No. 66)  
- R&R filed 09/24/07 (Doc. No. 97); objections filed 10/02/07 (Doc. No. 107)
- Motion to Dismiss (Doc. No. 69)  
- R&R filed 10/03/07 (Doc. No. 108); objections due 10/12/07
- Motion to Suppress Evidence (Doc. No. 88)  
- R&R filed 10/09/07 (Doc. No. 117); objections due 10/19/07

### ***IV. TRIAL WITNESSES***

Mr. Hughes announced that the government intends to call fourteen witnesses without stipulations or seven witnesses with stipulations during the trial.

Ms. Burns announced that Defendant Henderson intends to call one witness during the trial. Defendant Henderson may testify.

### ***V. TRIAL EXHIBITS***

Mr. Hughes announced that the government will offer approximately seventeen exhibits in evidence during the trial.

Ms. Burns announced that Defendant Henderson will offer approximately one exhibit in evidence during the trial.

**VI. DEFENSES**

Ms. Burns announced that Defendant Henderson will rely on the defense of general denial.

**VII. POSSIBLE DISPOSITION**

Ms. Burns stated this case is definitely for trial.

**VIII. STIPULATIONS**

Stipulations are likely as to Defendant's prior felony conviction.

**IX. TRIAL TIME**

Counsel were in agreement that this case will take 1 ½ to 2 days to try.

**X. EXHIBIT LIST, VOIR DIRE AND INSTRUCTIONS**

The U. S. Magistrate Judge ordered:

That, in addition to the requirements of the Stipulations and Orders filed December 14, 2006, each party file and serve a list of exhibits he intends to offer in evidence at the trial of this case on the form entitled Exhibit Index and have all available exhibits premarked using the stickers provided by the Clerk of Court by Tuesday, October 9, 2007;

Each party file and serve requested jury voir dire examination questions by or before noon, Wednesday, October 17, 2007;

Each party file and serve, in accordance with the requirements of Local Rule 51.1, requested jury instructions by or before noon, Wednesday, October 17, 2007. Counsel are requested to provide proposed jury instructions in both hard copy form, as required by Local Rule 51.1, and, if available to counsel, 3 and 1/2 inch computer disk in a form compatible with WordPerfect 9.0, 10.0, or 11.0.

**XI. UNUSUAL QUESTIONS OF LAW**

No additional motions in limine are anticipated. There are no unusual questions of law.

**XII. TRIAL SETTING**

all counsel and the defendant were informed that this case will be listed for trial on the joint criminal jury trial docket which commences on October 22, 2007. The parties request the second week of the trial docket.

/s/ Robert E. Larsen  
ROBERT E. LARSEN  
United States Magistrate Judge

Kansas City, Missouri  
October 10, 2007

cc: The Honorable Fernando J. Gaitan  
Mr. Stefan Hughes  
Ms. Anita Burns  
Mr. Jeff Burkholder